

REMARKS/ARGUMENTS

The Office Action of December 8, 2005, has been reviewed, and in view of the foregoing amendments and following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested. Claim 1 has been amended, claims 2-10 are cancelled, and claims 11-25 have been newly added. No new matter has been added.

Drawings

The drawings are objected to because they are handwritten in places. Substitute drawings have been submitted to replace the handwritten text. No substantive changes have been made. It is believed that the objection to the drawings should be withdrawn.

Claim Rejections under 35 U.S.C. § 112

Claims 1-2 and 8-10 are currently rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 1-10 are currently rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that the claims as amended overcome the rejections under 35 U.S.C. § 112, first and second paragraphs.

The claimed subject matter is fully disclosed and supported by the specification as originally filed. More specifically, an embodiment of the claimed invention is described in Figure 3 and the corresponding description thereof. The Examiner states that the specification does not support “including a token [cookie] in the request from the client to the server.” In response, the specification as originally filed at paragraphs [0042]-[0044] discloses that a client

102 sends a connection request to server 104, the request including the “clear gif” link. At step 304, server 104 receives the connection request to the “clear gif” link. At step 306, server 104 checks the connection request from the client 102 to determine if the connection request includes the “slow” GET ACCESS cookie or token. It is believed that the claims comply with the written description requirement.

The claims have been amended to clarify various embodiments of the present invention. It is believed that the amendments and newly added claims clearly define an embodiment of the claimed invention that is fully supported by the specification as originally filed.

Claim Rejection under 35 U.S.C. § 101

Claim 8 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to nonstatutory subject matter. Claim 9 is statutory solely because the specification, page 4 paragraph [0020] has defined the computer readable medi[a] as removable and fixed software code storage media. Claims 8 and 9 have been cancelled.

Claim Rejection under 35 U.S.C. § 102(b)

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Montulli (U.S. Patent No. 5,774,670). For at least the reasons detailed below, Applicants respectfully disagree.

Montulli appears to discuss transferring state information between a server system and a client system. In addition, Montulli appears to disclose a persistent client state in a hypertext transfer protocol based client server system. An aspect of the present invention is directed to a semi-persistent connection between the client and the server to allow delayed or asynchronous transmission of a cookie or token. Delayed or asynchronous transmission of the cookie allows

initial web page generation and display while awaiting a slow cookie. Abstract of the instant application. The Office Action relies on column 7, lines 11-27 of the Montulli reference, which fails to disclose at least the limitations directed to “sending a connection request from a client to a server, wherein the connection request comprises a link;” “determining at the server whether the connection request includes a token;” “determining whether the token is available to send to the client, wherein the token is created responsive to an earlier request from the client to the server;” and “sending the link to the client based at least in part on whether the token is available, wherein the token serves to authenticate or authorize one or more subsequent resource requests by the client.”

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a *prima facie* case of anticipation. Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. In addition, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In this case, as discussed in detail above, the Office Action has failed to show that Montulli reference discloses each and every claim limitation recited by Applicants. Therefore, the Office Action has failed to meet its burden. The rejection of claims 1-10 under 35 U.S.C. § 102(b) should be withdrawn and the claims allowed accordingly.

Double Patenting Rejection

Claims 1 and 5 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-3 of copending Application No. 10/064,118. Applicants believe that the claims as amended do not constitute a double patenting rejection as the claims are not claiming common subject matter.

CONCLUSION

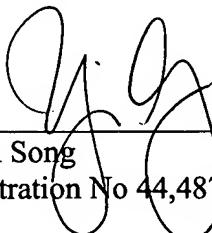
In view of the foregoing amendments and arguments, it is respectfully submitted that this application is now in condition for allowance. If the Examiner believes that prosecution and allowance of the application will be expedited through an interview, whether personal or telephonic, the Examiner is invited to telephone the undersigned with any suggestions leading to the favorable disposition of the application.

It is believed that no fees are due for filing this Response. However, the Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. Applicants also authorize the Director to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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